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EXAMINER

TRAN, HAI V

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2611

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/287,402 | <b>Applicant(s)</b><br>CRINON, REGIS J. |  |
|                              | <b>Examiner</b><br>Hai Tran          | <b>Art Unit</b><br>2611                 |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 01/31/2005 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 01/31/2005 have been fully considered but they are not persuasive.

Applicant states, "The Examiner identifies the documents as the 'associated data payload' and the structure for receiving a time stamp as the TIME\_STAMP 84 of the packet header, which is the structure provided with the associated data payload for transmission in the data stream."

In response, the Examiner respectfully disagrees with Applicant above assertion and asserts again that the associated data stream comprises associated data packets 84 of Fig. 5 represents the document (Col. 2, lines 21-42 and Col. 4, lines 45-65) and not the "associated data payload", as argued by Applicant (see previous Office Action

page 3) and further submits that the TIME\_STAMP (Fig. 5) is a **field** within the Associated Data Packet 84 of Fig. 5 and NOT element 84, as indicated by Applicant.

Applicant further argues, "Adams et al. fails to suggest that the document (i.e., associated data payload) includes a separate structure for receiving the 1<sup>st</sup> time stamp from the TIME\_STAMP 84".

In response, upon further review applicant's remark, the document could be the "associated data payload"; However, it is not clear from Applicant's claims as recited. Furthermore, the structure is the Packetized Elementary Stream data encompassing the header, time stamp and associated data payload, as disclosed by Adams Fig. 5, el. 84 and Col. 7, lines 9-Col. 8, lines 23.

If claims 1, 6 and 11 were drafted with a clear distinction that "a structure is a payload receiving a 1<sup>st</sup> TS value" or "the payload with a structure for receiving a 1<sup>st</sup> TS value", then claims 1, 6 and 11 would overcome the Prior Art of record.

### ***Claim Objections***

Claim 6 is objected to because of the following informalities: In claim 6, Line 13-14, "said time stamp value" should be changed to -- said first time stamp value --. Appropriate correction is required.

Claim 11 is objected to because of the following informalities: In claim 11, Line 10, "a 1st time stamp value" should be changed to -- said first time stamp value --. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-4, 6-7, and 9-10 are rejected under 35 U.S.C. 102(b) as being unpatentable by Adams et al. (US 5541662).

Regarding claim 1, Adams discloses a method of displaying (Fig.8) a document (associated data packets 84/Buttons with images of related items for sale) together with a time stamp (Fig. 5, el. TIME\_STAMP field) specified display of video element (Fig.8, Video Windows) comprising the steps of:

Providing the document (Associated Data packets 84) including a structure (Fig. 5) for receiving a 1<sup>st</sup> time stamp value (Fig. 5, el. TIME\_STAMP field) associated with the video element (video Packet) in a Packetized Elementary Stream (Fig.5; Col. 4, lines 34-65), wherein the combination of the document and the 1<sup>st</sup> time stamp are provided in the Packetized Elementary Stream with an associated presentation time stamp (see Fig. 5; Col. 7, lines 15-20);

Reading the presentation time stamp value (TIME\_STAMP field content) in the document (associated Data packets 84) and at least one of providing and signaling the availability of document (by displaying the Buttons with images of

related items for sale) to a viewer in accordance with the presentation time-stamp value (Col. 8, lines 51-63).

As to "inserting said presentation time stamp value said associated with said video element in said structure", Adams does not specifically disclose it; However, Adams shows the Associated Data's packets structure with the time-stamp field (Fig.5), Adams must insert the presentation time stamp value associated with the video element in the structure at the Headend in order to perform the above function at the receiver as disclosed.

Regarding claim 2, Adams further discloses wherein the availability of the document (associated data/Buttons with images of related items for sale) is signaled by displaying the document (displays buttons with images of related items for sale; see Fig. 8);

Regarding claims 3 and 9, Adams further discloses wherein the presence of the document is signaled by displaying to the viewer a notice of the availability/command by which the viewer can cause the document to be displayed (see Fig. 8; Col. 8, lines 64-Col. 9, lines 1).

Regarding claim 4, Adams further discloses wherein the 1<sup>st</sup> time stamp value is encoded in a data packet with the document before the data packet is transmitted (see Fig. 5 wherein the time stamp field of the associated data packets 84 must be

encoded and inserted with a time stamp value before the data packet is transmitted; Col. 4, lines 34-65).

Regarding claim 6, Adams discloses a method of displaying (Fig.8) a document (associated data/Buttons with images of related items for sale) together with a time stamp (Fig. 5, el. TIME\_STAMP field) specified display of video element (Fig.8, Video Windows) comprising the steps of:

Providing the document (Associated Data packets 84) including a structure (Fig. 5) for receiving a 1<sup>st</sup> time stamp value (Fig. 5, el. TIME\_STAMP field) specifying a display time for the document (Fig.5; Col. 4, lines 34-65; Col. 7, lines 15-21);

Reconstructing the document (associated data packets) from the first data packet (Video packet) see Fig. 8; reading the presentation time stamp value in the document; and providing or signaling the availability of the document to a viewer and displaying the target datum of the at least one of the video element and the audio element at the display time specified by the presentation time stamp value is described in Col. 8, lines 51-Col. 9, lines 48.

As to "Encoding in a Packetized Elementary Stream a first data packet (video) comprising the document and the structure of the 1st time stamp value together with an associated presentation time stamp; and Encoding in a Packetized Elementary Stream a second packet (audio) comprising the 1<sup>st</sup> time stamp value and a target datum in either the video or audio element", Adams must encodes the corresponding video/audio/associated data stream into Packetized Elementary Stream as shown in

Fig. 5 (note: Video' s time stamp, Audio' s time stamp and Associated data' s time stamp are Puts that derive from Video time stamp)

As to "capturing the presentation time stamp value from the first data packet; Inserting the presentation time stamp value into the structure for receiving the (1<sup>st</sup>) time stamp value", Adams does not specifically disclose it; However, Adams shows the Associated Data's structure with corresponding time-stamp field in Video/Audio/Associated packets see Fig.5 in which Adams must capture the time stamp value (PTS) from the Video data packet and insert the time stamp value associated with the video element in the structure of the Associated data packet 84 in order to synchronize the presentation of the associated data with the video data and to perform the above function as disclosed.

Regarding claim 7, Adams further discloses, wherein the availability of the document (associated data/Buttons with images of related items for sale) is signaled by displaying the document (displays buttons with images of related items for sale; see Fig. 8);

Regarding claim 10, Adams further discloses transmitting the first (Video) and second (Audio) data packets to a receiver; see Col. 4, lines 5-14.



***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. (US 5541662) in view of Harrison et al. (US 6064420).

Regarding claim 5, Adams does not clearly disclose wherein the time stamp value is inserted in the structure after the document is transmitted.

Harrison discloses a script is generated from sub-system 20 and sent over the terminal to synchronize the pre-stored associate data at local storage 80 with the display (by executing the script, the pre-stored associate data at the terminal is synchronizing with the received main/primary data stream to display to viewer based on the inserted time stamp/time code value from the receiving stream; Col. 5, lines 1-18). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Adams to insert the time-stamp in the structure after the document is transmitted, as taught by Harrison, so to enhance the quality and content of the primary information stream with corresponding targeted associated data (see Summary of the invention).

Regarding claim 8, Harrison further discloses including in the document (associate data) a display time interval and terminating the display of the document

(associate data) at a time specified by the display time interval and the time stamp value" (time code and time duration; Col. 5, lines 2-53).

3. Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. (US 5541662) in view of Eyer (US 5982445), and further in view of Harrison et al. (US 6064420).

Regarding claim 11, with respect to analysis of claim 1, Adams must have "a document server" for delivering the document (associate data) including a structure for receiving a 1st time stamp value as a first data stream to a packet assembler said delivery being coordinated with the arrival of a target datum in a second data stream representing said at least one of a video stream element and an audio element; "a packet assembler" for encoding in a Packetized Elementary Stream together with an associated presentation time stamp a first data packet comprising a data unit representing the document (associated data) and a 1<sup>st</sup> time stamp value specifying a time for displaying the document (associated data); and a second data packet comprising the target datum and the 1<sup>st</sup> time stamp value"; "a packet disassembler for separating the data unit and the 1<sup>st</sup> time stamp value from the first data packet" in order to perform the method as discussed in claim 1.

As to limitation "a parser to reconstruct the document from the data unit" and "a data presentation engine to read the document", Adams does not clearly disclose it; However, Adams discloses a client runtime manager 102 reads incoming packets

video/audio/associated packets and distributes them to corresponding functions within the receiver (Col. 8, lines 32-Col. 9, lines 10).

Eyer discloses a parser and presentation engine (browser) to reconstruct the document from the data unit (Fig. 2; element 220, 215; Col. 8, lines 44-48 and Col. 9, lines 13-21);

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Adams to include a parser and data presentation engine (Browser); as taught by Eyer; so to identify displayable objects and display instructions from HTML codes so that a browser could display corresponding HTML pages to viewers.

As to limitation "a time stamp loader to insert the presentation time stamp value into the structure for receiving the 1<sup>st</sup> time stamp value"; Adams and Eyer do not clearly disclose it.

Harrison discloses a script is generated from sub-system 20 and sent over the terminal to synchronize the pre-stored associate data at local storage 80 with the display (by executing the script, the pre-stored associate data at the terminal is synchronizing with the received main stream to display to viewer based on the inserted time stamp value from the; Col. 5, lines 1-18). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Adams in view of Eyer to have a time-loader (script) to insert the time-stamp in the structure after the document is transmitted, as taught by Harrison, so to

enhance the quality and content of the primary information stream with corresponding targeted associated data (see Summary of the invention).

Regarding claim 12, Adams further discloses wherein the availability of the document (associated data/Buttons with images of related items for sale) is signaled by displaying the document (displays buttons with images of related items for sale; see Fig. 8);

Regarding claim 13, Eyer further discloses a storage device to store the reconstructed document (Fig. 2; element 210; Col. 11, lines 8-12) and a command device enabling the viewer to cause the display of the document (Fig. 2; element 232; Col. 9, lines 1-5 & 46-50).

Regarding claim 14, Adams further meets the limitation "further comprising a transmission and receiving system for transferring data packets to a receiver" (see Fig. 1).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT:ht  
04/25/2005

  
HAI TRAN  
PRIMARY EXAMINER